

Administrative Order



Administrative Order No.: 8-4

Title: Sale or Lease of County Real Property

Ordered: 5/5/1981

Effective: 5/5/1981

AUTHORITY:

Chapter 125.38, Florida Statutes. Section 4.02 of the Metropolitan Dade County Charter. Resolution Number 5671 of the Board of County Commissioners. Resolution Number 10832 of the Board of County Commissioners. Resolution Number 1161-79 of the Board of County Commissioners.

SUPERSEDES:

This administrative order supersedes previous Administrative Order No. 8-4, dated July 14, 1970 (effective July 30, 1970).

POLICY:

The authority to sell, lease or otherwise dispose of County-owned real property lies solely with the Board of County Commissioners. Before action is taken on any proposed sale or lease of County-owned real property, unless expressly excluded herein, a recommendation will be requested from the Planning Advisory Board, to indicate whether such proposal is in the public interest and also recommending proper land use classification if applicable. Should a recommendation not be received from the Planning Advisory Board within the time period provided within this administrative order, the Planning Department Director will provide a recommendation on the proposal.

OTHER PUBLIC AGENCIES:

If property owned by the County is desired by another public agency for the same public purposes as held by the County and it is determined by the Board of County Commissioners that the property is not needed by the County for such use, it may be conveyed at a nominal cost. In the event that another public agency requires the property for the purpose of providing a public service available to the general public, the County may convey the property to the agency for its appraised value or for equivalent value in real property or a combination thereof.

EXCLUSIONS:

The provisions of this order relating to processing through the Planning Advisory Board shall not apply to the lease of County property in the following categories: (1) the use of property prescribed by deed restrictions which establishes the general use thereof; (2) developed property to be transferred under conditions of the same or similar use; (3) property leased on a proprietary or profit making basis; (4) the use or lease extension of County property for less than one year.

PROCEDURE INITIATING ACTION:

Any Department Director or other official or any private party or corporation proposing the sale, lease or other disposition of County-owned real property shall abide by the procedures as set forth herein.

The Department Director, other official, private party or corporation is required to submit a memorandum to the County Manager detailing all pertinent information regarding the proposal.

The County Manager will, in turn, review the request and determine if there is a need to refer this request to the General Services Administration. The General Services Administration, upon direction from the County Manager, will forward to appropriate departments and public agencies a questionnaire to determine if there is planned use or anticipated need for the subject property or if it could be declared surplus.

GENERAL SERVICES ADMINISTRATION:

Based on the findings of the survey concerning possible use of the property, the General Services Administration will submit its findings and recommendation to the County Manager within thirty (30) days.

COUNTY MANAGER'S OFFICE:

Whenever there is a valid proposed use by the commenting County agencies, the County Manager's Office will inform the requesting party that the proposal has been reviewed and that sale or lease of the property in question could not, at this time, be declared surplus. In all other instances, upon receipt by the County Manager of the recommendations from the General Services Administration, the County Manager shall forward said recommendations to the Planning Department Director for a review to determine the land use classification most compatible with existing and immediately foreseeable recommended land uses in the surrounding area.

PLANNING DEPARTMENT:

Upon receipt of the survey of all County agencies' interest in the proposed property, the Planning Department Director will immediately request from the Board a

recommendation, within sixty (60) days, as to whether the proposal is in the public interest and the property is zoned consistent with the proper land use planning for the area. The Planning Department Director will report the Planning Advisory Board's actions to the County Manager.

If the recommendation by the Planning Department and the Planning Advisory Board is for a change in zoning on the subject property, the Planning Department Director, prior to consideration for sale or lease, shall notify the Director of the Building and Zoning Department of the recommendation and both Department Directors shall file jointly an application for rezoning of the subject property. In this case, the provision for a recommendation from the Planning Advisory Board for sale or lease within sixty (60) days shall be waived until rezoning is approved.

GENERAL SERVICES ADMINISTRATION:

The General Services Administration will prepare a report based on the Planning Advisory Board's recommendation and forward to the County Manager for submittal to the Board of County Commissioners.

FINAL ACTION:

If approved by the Board of County Commissioners, the General Services Administration will take the necessary steps to conclude the transaction. In those cases wherein the leasing of County property is contemplated, a draft lease agreement, with the exception of preprinted form agreements which have received blanket approval, will be reviewed by the Manager of the Insurance and Risk Management Division as to form and content.

Thereafter, all pertinent documents, along with a memorandum of transmittal indicating compliance with those procedures, will be forwarded to the office of the County Manager for final approval. The fully executed documents will be returned to the Clerk of the Board for custody. The Clerk of the Board will notify the Insurance and Risk Management Division of all contracts accepting liability on behalf of the County or requiring either the County or the other party to provide insurance coverage.

PRIVATE PARTIES OR CORPORATIONS:

To insure the County against unnecessary processing expense, an earnest money deposit is to be deposited with the Clerk of the Board of County Commissioners, in the amount set by the Board of County Commissioners, by all private parties or corporations requesting the sale or lease of County property. Additional provisions regarding dispersal and reimbursement of this deposit are included in the provisions of Resolution No. R-1161-79, approved by the Board on September 18, 1979.

This administrative order is hereby submitted to the Board of County Commissioners of Dade County, Florida.

M. R. Stierheim
County Manager

SUMMARY COMPARISON
OF
OLD-NEW A.O. NO. 8-4

PROPOSED ADMINISTRATIVE ORDER

1. If Planning Advisory Board does not make recommendations within 60 days, Planning Department Director can make recommendations in lieu thereof.
2. If property is conveyed or leased to another public agency, the general public will be assured reasonable access to the property.
3. Number of exclusions of process expanded to four categories:
 1. property governed by overriding deed restrictions;
 2. developed property to be transferred under conditions of the same or similar use;
 3. property leased on a proprietary or profit-making basis;
 4. the use or lease extension of County property for less than one year.
4. General Services Administration coordinates activities.
5. Thirty (30) day time limit for review by departments.
6. Planning Advisory Board - 60 day limit for recommendations.
7. Earnest money deposit required.

EXISTING ADMINISTRATIVE ORDER

1. Planning Advisory Board must recommend prior to Board of County Commissioners action.
2. No such protection.
3. Only one category for exclusion of process:
 1. property leased on a proprietary or profit-making basis.
4. Public Works Department coordinates activities.
5. No time limit.
6. No time limit.
7. No deposit required.